

GP 3282  
6-17-99

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Docket No. 11770US03

RECEIVED

JUN 03 1999

In the Application of:

AINSWORTH et al.

Serial No. 09/143,503

Filed: August 28, 1998

Patent No. 5,554,121

Issued: September 10, 1996

For: INTRALUMINAL CATHETER WITH  
HIGH STRENGTH PROXIMAL  
SHAFT



Examiner: J. Yasko Jr.

Group Art Unit: 3763

TECHNOLOGY CENTER

#5/Store  
Aband.  
w/atts  
+  
Eck

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on May 25, 1999.

By:

George Wheeler  
Reg. No. 28,766

**Statement Of Timely Mailing (37 CFR 1.8(b))**

A Notice of Abandonment (Paper No. 4) was received in connection with this application, stating that "This application is abandoned in view of Applicant's failure to timely file a proper response to the Office letter mailed on 9-15-98 -- Failure to provide missing oath or declaration."

I, the undersigned George Wheeler, a registered patent attorney, hereby attest of my own personal knowledge that the papers necessary to respond to this Office letter were mailed to the PTO on January 4, 1999, and January 11, 1999. This statement is supported by the enclosed papers and by the enclosed copies of post card receipts stamped to indicate receipt of these papers by the PTO.

Enclosed herewith are copies of the following papers, including the indicated proof that they were mailed to the PTO:

09443503-101600  
OFFICE OF INTELLECTUAL PROPERTY EXAMINATION

POSTAL RECEIPT

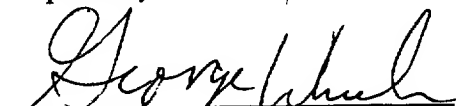
<i>Paper Title</i>	<i>First Class Certificate of Mailing Date</i>	<i>Post Card Receipt: stamped date of receipt by PTO</i>
Completion Of Filing Requirements	January 4, 1999	January 6, 1999
Notice To File Missing Parts Of Application Filing Date Granted – Form – PTO 1533	January 4, 1999	January 6, 1999
Petition For Extension Of Time	January 4, 1999	January 6, 1999
Assignee's Statement Under 37 C.F.R. 3.73(b); Assent To Reissue; Offer to Surrender The Original Letters Patent; and Power Of Attorney	January 4, 1999	January 6, 1999
Declaration For Reissue Patent Application (2)	January 4, 1999	January 6, 1999
Declaration Of Attorney George Wheeler Support.ing Completion Of Filing Requirements	January 4, 1999	January 6, 1999
Copy of 1-4-99 Post Card <b>without</b> PTO Received stamp and copy of 1-4-99 Post Card <b>with</b> USPTO received stamp dated January 6, 1999	January 4, 1999	January 6, 1999
Copy of check No. 31178 in the amount of \$2,094.00 to cover filing fees and extension of time fees.	January 4, 1999	January 6, 1999
Declaration of George Wheeler 37 C.F.R. § 1.47(a)	January 11, 1999	January 14, 1999
Copy of 1-11-99 Post Card <b>without</b> PTO Received stamp and copy of 1-11-99 Post Card <b>with</b> USPTO received stamp dated January 14, 1999	January 11, 1999	January 14, 1999

The Examiner is respectfully requested to withdraw the Notice of Abandonment and  
return this application to active status.

May 25, 1999  
DATE

McAndrews, Held & Malloy, Ltd.  
34<sup>th</sup> Floor  
500 West Madison Street  
Chicago, IL 60661  
312/707-8889

Respectfully submitted,

By:   
George Wheeler  
Reg. No. 28,766  
Attorney for applicant(s)



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO./TITLE
--------------------	---------------------	-----------------------	---------------------------

09/143,503 08/28/98 AINSWORTH

R 11770

0232/0916

MCANDREWS HELD & MALLOY LTD  
500 W MADISON STREET  
SUITE 3400  
CHICAGO IL 60661

NOT ASSIGNED

3734

DATE MAILED:

09/16/98



### NOTICE TO FILE MISSING PARTS OF APPLICATION

*Filing Date Granted*

An Application Number and Filing Date have been assigned to this application. The items indicated below, however, are missing. Applicant is given TWO MONTHS FROM THE DATE OF THIS NOTICE within which to file all required items and pay fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). If any of items 1 or 3 through 5 are indicated as missing, the SURCHARGE set forth in 37 CFR 1.16(e) of ☐ \$65.00 for a small entity in compliance with 37 CFR 1.27, or ☒ \$130.00 for a non-small entity, must also be timely submitted in reply to this NOTICE to avoid abandonment.

If all required items on this form are filed within the period set above, the total amount owed by applicant as a  
☐ small entity (statement filed) ☒ non-small entity is \$ 1876

☒ 1. The statutory basic filing fee is:

- ☒ missing.
- ☐ insufficient.

Applicant must submit \$ 790 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).

☒ 2. Additional claim fees of \$ 956, including any multiple dependent claim fees, are required.

\$ 164 for 2 independent claims over 3.

\$ 792 for 36 dependent claims over 20.

\$ \_\_\_\_\_ for multiple dependent claim surcharge.

Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.

☒ 3. The oath or declaration:

- ☒ is missing or unexecuted.
- ☐ does not cover the newly submitted items.
- ☐ does not identify the application to which it applies.
- ☐ does not include the city and state or foreign country of applicant's residence.

An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date is required.

☐ 4. The signature(s) to the oath or declaration is/are by a person other than inventor or person qualified under 37 CFR 1.42, 1.43 or 1.47.

A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

☐ 5. The signature of the following joint inventor(s) is missing from the oath or declaration:

An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date, is required.

☐ 6. A \$50.00 processing fee is required since your check was returned without payment (37 CFR 1.21(m)).

☐ 7. Your filing receipt was mailed in error because your check was returned without payment.

☐ 8. The application does not comply with the Sequence Rules.

See attached "Notice to Comply with Sequence Rules 37 CFR 1.821-1.825."

☐ 9. OTHER:

Direct the reply and any questions about this notice to "Attention: Box Missing Parts."

**A copy of this notice MUST be returned with the reply.**

Customer Service Center  
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

Hon. Commissioner of Patents and Trademarks  
Sir: Please place the USPTO receipt stamp hereon and  
place in outgoing mail to acknowledge receipt of:

Docket No.: 17764563  
Applicant: ALVINGWORTH ET AL  
Serial No.: 69/143563  
Date Filed: AUGUST 22, 1998

☐ Transmittal  
☐ Fee \$  
☐ Patent Application including:  
☐ Page(s) Cover Sheet  
☐ Page(s) Specification  
☐ Page(s) Claims #  
☐ Page(s) Abstract  
☐ Page(s) Drawings Formal Informal  
☐ Declaration & POA Signed Unsigned  
☐ Amendment Page(s)  
☐ Assignment Page(s)  
☐ Information Disclosure Statement Page(s)  
☐ Cited Reference Copies  
☐ Trademark Application including Drawing  
☐ Number of Specimens  
☒ Other DECLARATION OF ELIGIBILITY  
37 C.F.R. § 1.47(a)  
☒ Certificate of Mailing Dated as below  
☐ Certificate of Mailing By Express Mail

1-11-99

Hon. Commissioner of Patents and Trademarks  
Sir: Please place the USPTO receipt stamp hereon and  
place in outgoing mail to acknowledge receipt of:

Docket No.: 17764563  
Applicant: ALVINGWORTH ET AL  
Serial No.: 69/143563  
Date Filed: AUGUST 22, 1998

☐ Transmittal  
☐ Fee \$  
☐ Patent Application including:  
☐ Page(s) Cover Sheet  
☐ Page(s) Specification  
☐ Page(s) Claims #  
☐ Page(s) Abstract  
☐ Page(s) Drawings Formal Informal  
☐ Declaration & POA Signed Unsigned  
☐ Amendment Page(s)  
☐ Assignment Page(s)  
☐ Information Disclosure Statement Page(s)  
☐ Cited Reference Copies  
☐ Trademark Application including Drawing  
☐ Number of Specimens  
☒ Other DECLARATION OF ELIGIBILITY  
37 C.F.R. § 1.47(a)  
☒ Certificate of Mailing Dated as below  
☐ Certificate of Mailing By Express Mail

Dated 1-11-99

Respectfully: **McANDREWS, HELD & MALLOY, LTD.**  
Attorney for Applicant

**McANDREWS, HELD & MALLOY, LTD.**  
Applicant

**McAndrews, Held & Malloy, Ltd.**  
34<sup>th</sup> Floor  
500 West Madison Street  
Chicago, IL 60661  
312/707-8889

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Docket No. 11770US03

*In the Application of:*

AINSWORTH et al.

*Serial No.* 09/143,503

*Filed:* August 28, 1998

*Patent No.* 5,554,121

*Issued:* September 10, 1996

*For:* INTRALUMINAL CATHETER WITH  
HIGH STRENGTH PROXIMAL  
SHAFT



*Examiner:*

*Group Art Unit:* 3734

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on

January 4, 1999

By:

George Wheeler  
Reg. No. 28,766

**COMPLETION OF FILING REQUIREMENTS**

**BOX MISSING PARTS**

Assistant Commissioner for Patents  
Washington, D.C. 20231

This replies to the Office letter dated September 16, 1998. A copy of the Notice to File Missing Parts of Application-Filing Date Granted (Form PTO-1533) is enclosed.

Enclosed is a:

- \* petition and fee for extension of time (TWO-MONTHS AND \$400.00).
- \* ASSIGNEE'S STATEMENT UNDER 37 C.F.R. 3.73(b); ASSENT TO REISSUE; OFFER TO SURRENDER THE ORIGINAL LETTERS PATENT; and POWER OF ATTORNEY.

009143503-101600

## DECLARATION OR OATH

- \* No original declaration or oath was filed and enclosed is an original declaration or oath for this application.

Attached is a:

- \* Statement by a registered attorney that the application filed in the PTO is the application which the inventor executed by signing the declaration.

## FEES

Filing fee:

- \* Original patent application (37 CFR 1.16(a)-\$760.00; small entity-\$380.00) \$760.00
- \* design application (37 CFR 1.16(f)-\$310.00; small entity-\$155.00) \$.00

Fees for claims:

- \* each independent claim in excess of 3 (37 CFR 1.16(b)-\$78.00; small entity-\$39.00) \$156.00
- \* each claim in excess of 20 (37 CFR 1.16(c)-\$18.00; small entity-\$9.00) \$648.00
- \* multiple dependent claim(s) (37 CFR 1.16(d)-\$260.00; small entity-\$130.00) \$.00

Surcharge fees:

- \* late payment of filing fee and/or
- \* late filing of original declaration or oath (37 CFR 1.16(e)-\$130.00; small entity-\$65.00) \$130.00
- \* petition fee for filing by other than all the inventors or a person not the inventor (37 CFR 1.17(h) and 1.47-\$130.00) \$.00

* fee for processing an application filed with a specification in a non-English language (37 CFR 1.17(k) and 1.52(d)-\$130.00	\$ .00
* fee for processing and retention of application (37 CFR 1.21(l) and 1.53(d)-\$130.00)	\$ .00
* Petition for Extension of Time - TWO-months	\$400.00
<b>TOTAL FEES</b>	<b><u>\$2094.00</u></b>

# PAYMENT OF FEES

\* enclosed is a check in the amount of \$2,094.00.

# AUTHORIZATION TO CHARGE ADDITIONAL FEES

The Commissioner is hereby authorized to charge the following additional fees which may be required by this paper and during the pendency of this application to Account No. 13-0017.

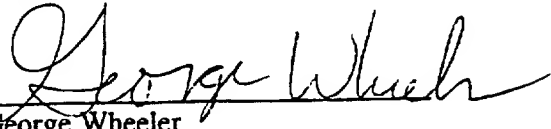
37 CFR 1.16(a), (f) or (g) (filing fees).

37 CFR 1.16 (b), (c) and (d) (presentation of extra claims).

37 CFR 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application).

37 CFR 1.17 (application processing fees).

Respectfully submitted,

By:   
George Wheeler  
Reg. No. 28,766  
Attorney for applicant(s)

January 4, 1999  
DATE

McAndrews, Held & Malloy, Ltd.  
34<sup>th</sup> Floor  
500 West Madison Street  
Chicago, IL 60661  
312/707-8889

09443603 401600  
DIST. EST. 60